IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 565 OF 2003

IN

SUM. SUIT NO. 1005 OF 2003

Ramkumar Ayodhyaprasad Gupta. .. Plaintiff.
vs.
M/s. IVP Limited. .. Defendants.

Mr. M.G. Mimani for plaintiff.
Mr. P.A. Savant i/by M/s. Joy Legal Const. for defendants.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 12th June, 2006.

P.C.

. Heard Mr. Mimani in support and Mr. Savant appearing for the defendants.

2. In light of the fact that prayer (a) is already granted, it is not pressed.

3. As far as prayer (b) is concerned, with the assistance of Mr. Mimani and Mr. Savant I have perused the said prayer and the order passed by this Court. In the light of the fact that the defendant has complied with the condition imposed upon him to contest the summary suit and leave has been granted to defend the same, it is not possible to agree with Mr. Mimani that the plaintiff should be allowed to

withdraw the amount deposited in the Court. The plaintiff is secured in as much as the amount is invested by the Court and at the hearing of the suit appropriate orders will be passed if the plaintiff succeeds allowing him to withdraw the amount deposited with accrued interest. Until and unless the controversy on merits are resolved, prayer clause (b) cannot be granted.

4. Chamber Summons stands dismissed to that extent. No order as to costs.